

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:23-cv-00112-MR-WCM**

WILLIAM ZIEGLER and VICKI )  
ZIEGLER, )  
Plaintiffs, )  
vs. )                           **O R D E R**  
POLARIS INDUSTRIES, INC., )  
Defendant. )  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court on the Plaintiffs' "Motion to Permit Eric Kipp to Testify as to the Facts of the Crash, Notwithstanding His Prior Assertion of His Fifth Amendment Right to Not Testify as to 1) His Consumption of Alcohol and 2) His Driving the UTV on the Night of the Accident on a State Highway" (the "Motion to Permit Kipp's Testimony") [Doc. 200].

Upon review of the Plaintiffs' Motion, the Court will direct the Plaintiffs to arrange for Eric Kipp to appear for a discovery deposition to be conducted by the Defendant Polaris Industries, Inc. ("Polaris") with such deposition to be concluded prior to the final pretrial conference scheduled in this matter. The parties are encouraged to agree on a location, date, and time for said

deposition, but absent such agreement, Polaris shall provide at least two (2) days' notice of the location, date, and time of the deposition. A determination will be made at the final pretrial conference as to whether Mr. Kipp has adequately answered all appropriate questions posed by Polaris so as to be permitted to testify at trial, notwithstanding his prior invocation of privilege. Except to the extent addressed herein, the Plaintiffs' Motion to Permit Kipp's Testimony shall be held in abeyance until the final pretrial conference.

**IT IS, THEREFORE, ORDERED** that:

- (1) The Plaintiff shall arrange (by compulsory means or otherwise) for Eric Kipp to appear for a discovery deposition conducted by Polaris prior to the final pretrial conference scheduled in this matter. Said deposition shall be for discovery purposes only and not allowed for any other purpose.
- (2) Absent an agreement as to the location, date, and time of the deposition, Polaris shall give at least two (2) days' notice of such location, date, and time of the deposition, and the notice period under the rules is hereby shortened thereto.
- (3) Except to the extent addressed herein, the Plaintiffs' Motion to Permit Kipp's Testimony [Doc. 200] is hereby held in

**ABEYANCE** until the final pretrial conference that is scheduled in this matter.

**IT IS SO ORDERED.**

Signed: December 3, 2024



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Martin Reidinger  
Chief United States District Judge

